

REMARKS / ARGUMENTS

In connection with the Request for Continued Examination filed herewith, Applicants hereby respond to the Final Office Action dated January 27, 2005 ("the Office Action"), in which claims 151-155 and 186-195 were rejected. Applicants respectfully request that the Office consider the following remarks, and pass the pending claims to issuance.

In the Office Action, the Examiner: (i) objected to the Information Disclosure Statement for failing to comply with 37 C.F.R. § 1.98(a)(2), and (ii) rejected claims 151-155 and 186-195 under 35 U.S.C. § 102(e) as allegedly being anticipated by Benson et al. (5,845,281).

Information Disclosure Statement

Applicants file herewith, under separate cover to facilitate the disparate USPTO processing required therefor, an Information Disclosure Statement in compliance with 37 C.F.R. § 1.98(a)(2). Specifically, hardcopy submissions of all non-patent literature and foreign patent references are submitted in this accompanying IDS.

Rejection of Claims 151-155 and 186-195 under 35 U.S.C. § 102(e)

In the Office Action, the Examiner rejected all of the pending claims under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,845,281 to Benson et al. ("Benson").

Applicants respectfully submit that the pending claims are allowable over Benson for at least the reasons set forth below.

Claims 151 and 191 recite the association of a rule with a secure container, the rule at least in part specifying potential users or recipients of the secure container contents, the specifying being based at least in part on a class to which the potential users or recipients have been assigned. Claims 151 and 191 further recite evaluating a digital certificate associated with a potential user or recipient, determining, based at least in part on the digital certificate, that the potential user or recipient has been assigned to the class, and, based on the determination, making at least some of the secure container contents available to the potential user or recipient.

Applicants respectfully submit that Benson does not teach or suggest, *inter alia*, evaluating a digital certificate associated with a potential user or recipient, determining, based at least in part on the digital certificate, that the potential user or recipient has been assigned to a class, and, based on the determination, making at least some of a secure container's contents available to the potential user or recipient.

Indeed, Benson does not even mention digital certificates, much less the use of digital certificates in the manner recited in claims 151 and 191. Instead, the cited portions of Benson refer generically to "security modules" (see Benson col. 6, lines 49-54) and the examination of various information, including "user type" (see Benson col. 9, line 60 through col. 10, line 5). Benson does not indicate that digital certificates are used in any manner by these security modules, or that the examination of "user type" involves the use

of digital certificates. This is because Benson is completely silent about digital certificates and their use. In fact, Benson teaches away from the use of digital certificates by indicating that information on user type would be manually entered by the user. See Benson col. 14, lines 52-55 ("Next, the user program 35 compares the first control element data which is 1, for educational users only, to user information **entered by the user** on request of the user program. Since the user type **entered by the user** is the same as that indicated in the first usage element the process continues.)(emphasis added). For at least these reasons, Applicants respectfully submit that claims 151 and 191 are not anticipated by Benson.

In addition, claim 191 recites the assignment of potential users or recipients to a class, the assignment being based at least in part on information regarding the potential user or recipient's **previous use** of content. Applicants respectfully submit that Benson does not teach or suggest this element.

Instead, the cited portions of Benson describe the creation of a user set of control data based on a general set of control data, a copy of which can be stored in a broker's database, and against which the broker can "compare **subsequent use**" (see Benson col. 10, lines 15-22)(emphasis added). The cited passage does not describe the assignment of potential users or recipients to a class, much less the assignment of potential users or recipients to a class based on their **previous** use of content. Indeed, to the extent Benson describes an examination of content usage, it is performed after the creation of the user set of control data, and it is not used to assign the user to a class. Moreover, to the extent Benson describes different types of users (e.g., student users and business users), these types reflect differences in the users' socio-economic status, and do not suggest a classification based on users' previous use of content. For at least these additional

reasons, Applicants respectfully submit that claim 191 is not anticipated by Benson.

Claims 152-155, 186-190, and 192-195 are ultimately dependent on claims 151 or 191, and are thus allowable for at least the reasons set forth above in connection with claims 151 or 191, respectively.

CONCLUSION

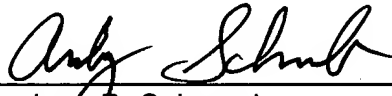
In view of the foregoing remarks, Applicants submit that the pending claims are in allowable form, and respectfully request reconsideration of the rejections and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: July 26, 2005

By: 
Andrew B. Schwaab
Reg. No. 38,611

Finnegan, Henderson, Farabow
Garrett & Dunner, L.L.P.
901 New York Ave., N.W.
Washington, D.C. 20001
Attorney direct (650) 849-6643

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PATENT
Customer No. 22,852
Attorney Docket No. 7451.0010-01
Intertrust Ref. No.: IT-14.1 (US)



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of:

Victor H. Shear, et al.

Serial No.: 09/498,369

Filed: February 4, 2000

For: METHODS FOR MATCHING,
SELECTING, AND/OR
CLASSIFYING BASED ON
RIGHTS MANAGEMENT AND/OR
OTHER INFORMATION

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) Group Art Unit: 3629
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) Examiner: Thomas A. DIXON
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) Confirmation No.: 8725
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Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Applicants submit this paper in association with a Request for Continued Examination, which is filed under separate cover due to the disparate processing required by the Office. Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants hereby resubmit the documents on the attached listing in hardcopy format. This Information Disclosure Statement is being filed before the mailing date of a first Office Action after the filing of a Request for Continued Examination in the above-referenced application.

Copies of the listed non-patent literature and foreign patent documents are attached.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

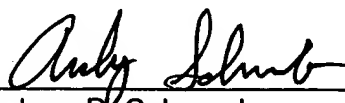
If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

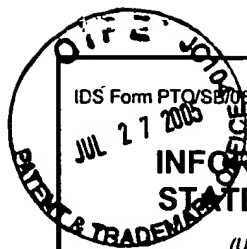
Dated: July 26, 2005

By: _____



Andrew B. Schwaab
Reg. No. 38,611

Finnegan Henderson Farabow
Garrett & Dunner L.L.P.
901 New York Ave., N.W.
Washington, D.C. 20001
Attorney direct (650) 849-6643



IDS Form PTO/SB/08: Substitute for form 149A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 25

Complete if Known

Application Number	09/948,369
Filing Date	February 4, 2000
First Named Inventor	Victor H. SHEAR et al.
Art Unit	3629
Examiner Name	Thomas A. DIXON
Attorney Docket Number	07451.0010-01

Note: Submission of copies of U.S. Patents and published U.S. Patent Applications is not required.

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation ⁴
		Country Code ¹ Number ² Kind Code ³ (if known)				
		AU-A-36815/97	2/19/1998			
		AU-A-36816/97	2/19/1998			
		AU-A-36840/97	2/19/1998			
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		EP 0 367 700 A2	5/9/1990			
		EP 0 567 800 A1	11/3/1993			
		EP 0 653 695 A2	5/17/1995			
		EP 0 913 757 A2	5/6/1999			
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		WO 96/27155	9/6/1996			
		WO 97/43761	11/20/1997			
		WO 98/09209 (equivalent to US-5,892,900)	3/5/1998			
		WO 98/10381	3/12/1998			
		WO 98/37481 (equivalent to US-5,920,861)	8/27/1998			
		WO 98/45768	10/15/1998			
		WO 99/01815	1/20/1999			
		WO 99/24928 (equivalent to US-6,112,181)	5/23/1999			
		WO 99/48296	9/23/1999			

NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation ⁶
		A Brief History of the Green Project, viewed on March 12, 2002 at < http://java.sun.com/people/jag/green/index.html > pp. 1-2.	
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			Examiner Name	Thomas A. DIXON	
Sheet	2	of	25	Attorney Docket Number	07451.0010-01

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Sheet	6	of	25	Attorney Docket Number	07451.0010-01

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